

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE COMPLAINT

Of

**AFFIDAVIT**

JULES ABADI, as owner of vessel M/V  
PLAYPEN for Exoneration from or Limitation of  
Liability,

07 Civ. 9575

Petitioner.

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STATE OF FLORIDA )  
                          )  
                          :ss  
COUNTY OF            )

SUSAN GARVEY, being duly sworn deposes and says:

1. I am the Respondent in the within petition for exoneration from or limitation of liability, and the plaintiff in the New York Action bearing Index number 106756/07 and as such I am intimately familiar with the circumstances surrounding the instant Petition and the New York Supreme Court Action.
2. On October 1, 2006, I was an invited guest on the vessel named M/V Playpen that was owned and operated by the Petitioner, JULES ABADI. Petitioner, JULES ABADI, and I were the only two people on board. JULES ABADI at all times operated the boat and I, at all times, was the invited passenger.
3. On October 1, 2006, JULES ABADI, was returning his boat to the Miami Beach Marina after taking me on a pleasure ride aboard his newly purchased boat, when JULES ABADI carelessly, recklessly, and negligently abandoned the steering wheel and caused his boat to strike and collide into a concrete seawall within the Miami Beach Marina.

4. At approximately 4:30 in the afternoon on that day, October 1, 2006, JULES ABADI left the wheel of the boat, and as a direct consequence of leaving the boat unmanned it crashed into a concrete seawall. No other boat was involved.
5. My hand got pinned between the boat and the concrete seawall. As a result, my left thumb was partially amputated by the crash and the amputated part of my left thumb was embedded into the concrete seawall.
6. After arriving at the hospital I learned that the amputated part of my thumb was retrieved by the marina manager and brought to the hospital. The hand surgeon at Mount Sinai hospital stated that any attempt to reattach the amputated part of my thumb would be unsuccessful.
7. After two surgeries I am now permanently disfigured and suffer each day reflecting on the events of that day.
8. The physical, psychological, and emotional injuries for which I will suffer for the remainder of my life was caused solely by Petitioner JULES ABADI's careless, reckless, and negligent operation of the aforesaid boat on October 1, 2006, his abandoning the steering and control of the aforesaid boat and causing said boat to crash and collide into the aforesaid concrete seawall.

Dated: January 11, 2008



SUSAN GARVEY

Sworn to before me this 11 day in January, 2008



Notary Public Signature

NOTARY PUBLIC-STATE OF FLORIDA  
Paola A. Estrada  
Commission # DD365608  
Expires: OCT. 24, 2008  
Bonded Thru Atlantic Bonding Co., Inc.  
Notary Stamp